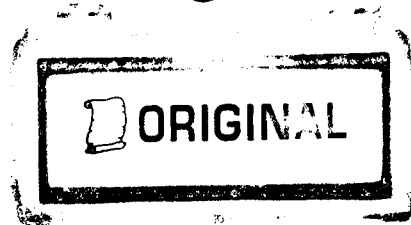


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Lillie Leon

117-11 Springfield Blvd.
Cambria Heights, N.Y. 11411
NAME OF PLAINTIFF(S)

NYC Department of Education
65 Court Street
Brooklyn, N.Y. 11201
NAME OF DEFENDANT(S)



COMPLAINT

10 **27 25**

Demanded
BIANCO, J.

LINDSAY, M.

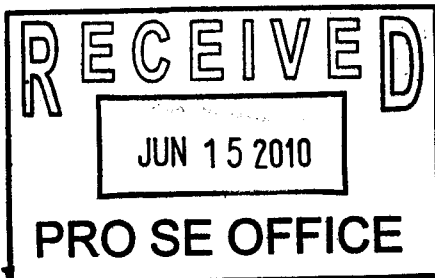
This action is brought for discrimination in employment pursuant to (check only those that apply):

_____ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub. L. No. 102-166) (race, color, gender, religion, national origin).

NOTE: *In order to bring a suit in federal district court under Title VII, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.*

☒ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 - 634 (amended in 1984, 1990, and by the Age Discrimination in Employment Amendments of 1986, Pub. L. No. 92-592, the Civil Rights Act of 1991, Pub. L. No. 102-166).

NOTE: *In order to bring a suit in federal district court under the Age Discrimination in Employment Act, you must first file charges with the Equal Employment Opportunity Commission.*



_____ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 - 12117 (amended by the ADA Amendments Act of 2008, Pub. L. No. 110-325 and the Civil Rights Act of 1991, Pub. L. No. 102-166).

NOTE: *In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.*

Jurisdiction is specifically conferred upon this United States District Court by the
aforementioned statutes, as well as 28 U.S.C. §§ 1331, 1343. Jurisdiction may also be appropriate
under 42 U.S.C. §§ 1981, 1983 and 1985(3), as amended by the Civil Rights Act of 1991,
Pub. L. No. 102-166, and any related claims under New York law.

1. Plaintiff resides at:

117-11 Springfield Blvd.
Street Address
Queens, N.Y., 11411, _____
County State Zip Code Telephone Number

2. Defendant(s) resides at, or its business is located at:

65 Court Street
Street Address
Kings, Brooklyn, N.Y., 11201
County City State Zip Code

3. The address at which I sought employment or was employed by the defendant(s) is:

85-15 143rd Street
Street Address
Queens, Briarwood, N.Y., 11435
County City State Zip Code

4. The discriminatory conduct of which I complain in this action includes (check only those that apply).

☐ Failure to hire.
☐ Termination of my employment.
☐ Failure to promote.
☐ Failure to accommodate my disability.
☒ Unequal terms and conditions of my employment.
☒ Retaliation
☒ Other acts (specify): harassment.

NOTE: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

5. It is my best recollection that the alleged discriminatory acts occurred on:
April 2008, May 2008, June 2008, Sept. 2008 - June 2009.
 Date(s)

6. I believe that the defendant(s) (check one)
- ☒ is still committing these acts against me.
☐ is not still committing these acts against me.

7. Defendant(s) discriminated against me based on my:
 (check only those that apply and state the basis for discrimination, for example, what is your religion, if religious discrimination is alleged)

☐ race _____ ☐ color _____
☐ gender/sex _____ ☐ religion _____
☐ national origin _____
☒ age ✓ My date of birth is: _____ Date _____
☐ disability _____

NOTE: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

8. The facts of my case are as follows:

When I filed my Charge of discrimination on 3-17-10, I was 78
years of age. Currently, I am 79. Since 1978 I have worked as a
dedicated teacher for the NYC Department of Education, and have performed
my professional responsibilities satisfactorily. However, due to my
age, I have been made the victim of unlawful employment discrimi-
nation, and subjected daily to many harassing, intimidating,
embarassing, humiliating, retaliatory acts in the presence of
my students and colleagues perpetrated against me by Mr. Harry
Katz, retired Principal as of June 2009, Ms. Paula Cunningham, former
(Attach additional sheets as necessary) (Attachment)

Note: As additional support for your claim, you may attach to this complaint a copy of the charge filed with the Equal Employment Opportunity Commission, the New York State Division of Human Rights, or the New York City Commission on Human Rights.

9. It is my best recollection that I filed a charge with the New York State Division of Human Rights or the New York City Commission on Human Rights regarding defendant's alleged discriminatory conduct on: _____.
Date

10. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct on: 3-17-09.
Date

The facts of my case are as follows:
Continued from Page No. 4 Attachment

Page No. 2 of 4

Assistant Principal - Currently Principal as of August 2009 for the 2009-2010 School year, and Ms. Nereida Urban. All 3 parties were aggressively engaged in the aforementioned unlawful discriminatory acts against me due to my age and the fact that I reconsidered not to retire at the end of the 2004-2005 school year. Ms. Urban, Payroll Secretary did not receive a formal letter from The Teachers Retirement Board notifying her that I was officially retired. Therefore, Ms. Urban knew that I was not retiring, but continued harassing me by asking me when I was retiring in August 2005, and in September 2008, said she was retiring. Then said to me, "Why don't you just retire."

In violation of the agreement between the Board of Education of NYC and the UFT, in June 2007 Mr. Katz proved his inability to execute his professional duties with honesty and fairness when he hand picked, Ms. L. Rinaldi, for the

Lillie Leon

The facts of my case are as follows:
Continued from Page No. 4

Page No. 3 of 4

newly implemented PreKindergarten teaching position, prior to posting the position. Mr. Katz and Ms. Cunningham acted in concert by having falsely made up claim that I refused to attend a Professional Conference with Ms. Cunningham. The Conference was postponed. This harassing act was perpetrated against me to cover up the unprofessional horrific harassment of me by Mr. Katz on April 7, 2008. At 7 AM, Mr. Katz, Ms. Cunningham, and Ms. Ruth Bowman, UFT representative planned to meet with me without my knowledge or consent. Mr. Katz immediately began shouting false accusations into my face. I thought he was going to physically attack me. Ms. Bowman asked Mr. Katz to stop, but he continued until he and Ms. Cunningham left my classroom, before they left, Ms. Bowman informed Mr. Katz that he was engaged in harassment.

During the 2006-2007 school year, Mr. Katz falsely claimed that the Custodian came to my classroom when I complained about the frigid room temperature. The Custodian nor any staff members came to my

Lillie Leon

The facts of my case are as follows:
Continued from Page No. 4

Page No. 4 of 4

classroom to test and determine the room temperature. Many times the room was so cold that wearing a winter coat, hat, scarf, and gloves would not keep the children and me from being miserably cold. Therefore, on many occasions I was forced to teach my class in the hallway.

The lesson plan scenario was just another opportunity for Mr. Katz and Ms. Cunningham to harass me, because of my age and they wanted me to retire. Prior to having received the disciplinary letter from Mr. Katz about lesson plans, I did not receive any directive from any supervisor stating that I was to adhere to a specific form for my lesson plans. The UFT advised me in a letter dated February 12, 2010, that my case is on going. I have acted in accordance with the provisions outlined in the bargaining agreement between the NYC Department of Education and the UFT. The lesson plan portion of the Article that deals with extended writing of lesson plans does not apply to me, because I did not receive a U Rating at the end of the 2007-2008 school year,

June 18, 2010
Lillie Leon

The facts of my case are as follows:
Continued from Page No. 4

Page No. 5 of 4
due to ineffective instructional Professional performance. Also, I received a Satisfactory rating for my formal lesson observation.

During the 2008-2009 school year I was forced to teach in a hostile classroom environment due to the following: I was placed in a classroom with 24 Kindergarten children. Without bathroom accommodation. I was required by Ms. Cunningham to monitor the boys and girls as they went from my Classroom 113 to use the bathroom, and at the same time monitor the children in the classroom while they were working on assignments. Many days I had to monitor as many as 14 children in the AM and the same in the PM. The sink in the classroom did not work and could not be used to discard milk that was left over from their snack. Therefore, I had to pour the left over milk from the snack into a pan, which was left in the pan until the next morning, because the boys bathroom was the only place where the left over milk could be discarded. The entrance classroom door to Room 113 would not close without a struggle until January 2009. In this room - 113 there

Lillie Leon

June 15, 2010

The facts of my case are as follows:
Continued from Page No. 4

Page No. 6 of 4

Was insufficient space for displaying children's completed work

On September 9, 2008, Ms. Cunningham switched a well behaved child, Myesha to class 200 for a severely behavior problem child into my class named Sarah, the same day, 9-09-08. Sarah did no work but would spit, kick and punch children all day. He even made attempts to attack me. Sarah's mother begged that her child be placed in another class when she enrolled him in the school, because his mother knew a child who was already in my class lived in the same housing complex as they did, had a severe behavior problem - Jaidyn who also would spit on the children, and would spin around in the classroom all day. When both children went outside of the classroom to use the lavatory, they would stay for hours at a time. Many times I had to track them down before lunch dismissal and the end of the day dismissal. I lost as much as 15 to 20 minutes many days of my own lunch period. The times when I tried contacting Ms. Cunningham to report the horrible incidents she had a voice message operating, but would never return my calls. She said she

Dillie Leon

June 1, 2010

The facts of my case are as follows:
Continued from Page No. 4

Page No. 7 of 4

only listens to her messages at the end of the school day. On December 16, 2008, a meeting was held between Sarah's mother, Mr. Katz, Ms. Cunningham, Ms. Elias, Social Worker, Ms. Bowman, VFT representative, and myself. At this meeting, again Sarah's mother asked if he could be transferred to another class due to the fact that her son Sarah and Jaidyn do not function well when they are together. Mr. Katz and Ms. Cunningham answer was NO. However, on 9-09-08 Ms. Cunningham transferred Mysha from my class to K-230 in exchange for Sarah. That clearly is double standard practice. It also proves that Mr. Katz and Ms. Cunningham were, and she still is on a mission to make life miserable for me due to my age and they want me to retire, along with Ms. N. Urban.

Ms. Denise Bunas, Assistant Principal is not acting in concert with Ms. Cunningham to harass me, due to my age, and on going harassment. Also, the fact that they want me to retire. A letter of harassment was received from both Ms. Bunas and Ms. Cunningham, dates: November 5, 2009 and November 18, 2009. November 23, 2009 Ms. Bunas. The counselling letters received from the two, Ms. Bunas did not know the definition of counselling letter, when asked.

Lillie Leon

June 15, 2010

The facts of my Case are as follows:
Continued from Page No. 4

Page No. 8 of 4

Ms. Banas' also systematically excluded participation of my class from the Ribbon Cutting ceremony for the newly erected playground on November 23, 2009. All other classes had an opportunity to participate in this affair. Ms. Cunningham was involved in the same kind of discriminatory act against my Kindergarten class and me when she systematically excluded my message to my Kindergarten children from the Program held on June 24, 2009 for their Moving Up ceremony. I did not receive a written nor verbal apology from Ms. Cunningham.

When my credible evidence is presented in court I fervently believe that the defendant will be cited as being in violation of the Age Discrimination Employment Act (ADEA)

Lillie Leon
June 15, 2010

Only litigants alleging age discrimination must answer Question #11.

11. Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (check one),

_____ 60 days or more have elapsed.

_____ less than 60 days have elapsed.


12. The Equal Employment Opportunity Commission (check one):

_____ has not issued a Right to Sue letter.

✓ _____ has issued a Right to Sue letter, which I
received on 3-19-10.
Date

NOTE: Attach a copy of the Right to Sue Letter from the Equal Employment Opportunity Commission to this complaint.

WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, costs, and attorney's fees.



PLAINTIFF'S SIGNATURE

Dated: June 15, 2010

117-11 Springfield Blvd.
Address
Cambria Heights, New York
718-723-4657
Phone Number

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Lillie Leon**
117-11 Springfield Boulevard
Cambria Heights, NY 11411

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

520-2009-01521

Jeanette P. Wooten,
Investigator

(212) 336-3753

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- ☐ Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- ☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- ☐ Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge
- ☒ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- ☐ Other (briefly state)

- NOTICE OF SUIT RIGHTS -

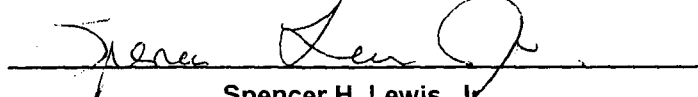
(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Enclosures(s)


Spencer H. Lewis, Jr.,
Director

3/17/10
 (Date Mailed)

cc: **NYC DEPT OF EDUCATION**
Robin Singer, Associate Counsel
52 Chambers Street, Room 308
New York, NY 10007

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA

☒ EEOC

520-2009-01521

New York State Division Of Human Rights

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Lillie Leon

Home Phone (Incl. Area Code)

(718) 723-4657

Date of Birth

Street Address

City, State and ZIP Code

117-11 Springfield Blvd.
Cambria Heights, NY 11411

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTIAL LABS below.)

Name

NYC Department of Education

No. Employees, Members

1000+

Phone No. (Include Area Code)

(718) 526-4780

Street Address

City, State and ZIP Code

65 Court Street
Brooklyn, NY 11201

Name

NYC Department of Education – Office of Legal Services

No. Employees, Members

1000+

Phone No. (Include Area Code)

(212) 374-6888

Street Address

City, State and ZIP Code

52 Chambers Street, Room 308
New York, NY 10013

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☒ RETALIATION ☒ AGE ☐ DISABILITY ☐ OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

6/26/08

☒

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s))

I have been working for the NYC Department of Education since 1978. I am a teacher. I am 78 years old. I have performed my job satisfactorily for many years. However, I have been the victim of unlawful discrimination on account of my age by Harvey Katz, Principal and Paula Cunningham, Assistant Principal. I am also being retaliated by both for complaining of unfair treatment. In June 2008, the Pre-Kindergarten Program was taken away from me, and was given to a younger person who had no previous experience on the other hand I had 10 years of successful experience. On June 26, 2008, I was given a U-rating which was at the end of the school year. The Principal claimed that I refused to attend a Professional Conference, but that is false, the meeting was postponed until my UFT Representative could attend. I have been harassed and subjected to a hostile work environment to get me to quit or retire from my job. In September 2008, both Katz and Cunningham tried forcing me to teach in a class room that has problems with adjusting the heating system, the room was so cold that wearing a coat, hat, scarf and gloves will not make the room warm enough. Many times I had to take my class to the hallway to teach there because it was warmer. On May 7, 2008, I sent a letter to Jeannette Reed, Superintendent complaining about the harassment and hostile work environment. I did not receive a response from her. Because the harassment and hostile work environment has become severe and not tolerable on February 24, 2009, I wrote another letter to Ms. Reed. Ms. Reed again ignored my complaint. (See Letter).

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY PUBLIC, State of New York

No. 01YES015305

Qualified in Kings County

Commission Expires 7/19/2009

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

3/17/09

I declare under penalty of perjury that the above is true and correct.

Date

Charging Party Signature

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA
☒ EEOC

520-2009-01521**New York State Division Of Human Rights**

and EEOC

State or local Agency, if any

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I am the victim of employment discrimination because of my age and retaliated against for opposing and objecting to Mr. Katz and Mrs. Cunningham's harassment and hostile work environment. I have been given U- ratings by Ms. Cunningham when she visits my classroom. She is constantly visiting my classroom to criticize my work.

Another person who has been harassing me is Mrs. Nel Urban, Payroll Secretary. Mrs. Urban continues to ask me "When are you retiring?" Mrs. Urban has called me at home and had stated; "they want to know if you are retiring." In September 2008, Mrs. Urban approached me and told me that she was planning to retire, and said to me, "why don't you just retire?"

On March 6, 2009, I received a letter from Mr. Katz, asking to meet with me in his office to discuss my absence of lesson plans. In his letter he stated that the meeting may lead to disciplinary action. On March 10, 2009, I received another letter from Mr. Katz about our March 6 meeting indicating that he met with me, Mrs. Cunningham and my union representative Mrs. Bowman. Mr. Katz stated that I said "I have been teaching for almost thirty years, I know what I am going to teach for the day." "It is all in my head." That was not what I said. I told Mr. Katz that I forgot the lesson plans and that I do my lesson plans everyday. I just forgot the lesson plan, but I do remember what needed to be done for that day. Mr. Katz told me that my failure to provide lesson plans, coupled with an unsatisfactory rating for the 2007-2008 school year. Mr. Katz also recommended that I meet with Mrs. Cunningham to further assist me. I am now being closely monitored by Mrs. Cunningham and I am required to submit all my lesson plans to her each Monday for her review and recommendation. This is another form of retaliation for complaining to Ms. Reed.

I have filed a Step 1 Grievance with my union to resolve the lesson plans issue. I want the letter and the disciplinary action to be removed from my file. I am very efficient and I perform my work well. My students are performing on grade level and above.

I believe that I am being discriminated against because of my age in violation of the Age Discrimination in Employment Act of 1967, as amended.

MINNA R. YELLIN

Notary Public, State of New York
NOTARY - When Required for State and Local Agency Requirements
Qualified in Kings County
Commission Expires 7/19/2009 Minna R. Yellin

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

Minna R. Yellin
SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

3/17/09

3-17-09

Date

Charging Party Signature